

**SUPREME COURT OF THE STATE OF NEW YORK**  
***Appellate Division, Fourth Judicial Department***

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**CA 18-00864**

PRESENT: SMITH, J.P., PERADOTTO, DEJOSEPH, TROUTMAN, AND WINSLOW, JJ.

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LISA M. KLUMPP AND DWAYNE KLUMPP,  
PLAINTIFFS-RESPONDENTS,

V

ORDER

JOHN N. PHILIPPS, JR., DEFENDANT-APPELLANT.

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NASH CONNORS, P.C., BUFFALO (PHILIP M. GULISANO OF COUNSEL), FOR  
DEFENDANT-APPELLANT.

LIPSITZ GREEN SCIME CAMBRIA LLP, BUFFALO (JOHN A. COLLINS OF COUNSEL),  
FOR PLAINTIFFS-RESPONDENTS.

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Appeal from an order of the Supreme Court, Niagara County (Daniel Furlong, J.), entered August 21, 2017. The order granted the motion of plaintiffs for summary judgment on the issue of liability.

Now, upon reading and filing the stipulation of discontinuance signed by the attorneys for the parties on November 8, 2018,

It is hereby ORDERED that said appeal is unanimously dismissed without costs upon stipulation.

Entered: February 8, 2019

Mark W. Bennett  
Clerk of the Court